


**County of Loudoun**  
**Department of Planning**  
**MEMORANDUM**

**DATE:** November 7, 2008

**TO:** Loudoun County Planning Commission

**FROM:** Sophia S. Fisher, Planner 

**SUBJECT:** November 13, 2008 PC Worksession—SPEX 2008-0003  
Goose Creek North Schmitz Gas Station

**Background**

On October 16, 2008, the Planning Commission held a public hearing on this application; one person expressed concerns about the project but did not oppose it, and five people spoke in opposition to the project. In general, members of the public were concerned that the proposed automobile service station would cause environmental impacts such as air, light, and noise pollution; environmental contamination from runoff and potential spills; impacts to the community of widening Belmont Ridge Road; and whether there is sufficient demand to support an automobile service station.

The Planning Commission also raised questions about the demand for an automobile service station, the impacts of the project on the neighbors, construction plans for Belmont Ridge Road, whether there have been any previous applications for automobile service stations in the vicinity, and what kind of safety and emergency procedures will be in place in the event of a spill or underground tank rupture.

The Planning Commission voted 6-0-3 (Brodrick, Chaloux, Keeney absent) to send the application to the Committee of the Whole for further discussion.

**Discussion**

**Demand**

The applicant submitted a Retail Site Analysis dated January 30, 2007 that assessed the demand for an automobile service station at the subject site. The Retail Site Analysis identified three competitors: an Exxon station at Claiborne Parkway and Ashburn Farm Parkway (1.3 miles from the site); A Safeway station at Claiborne Parkway and Ashburn Farm Parkway (2.1 miles from the site); and a

proposed gas station in the Belmont Greene Village Center development (1.1 miles from the site). The study acknowledges other gas stations in the market area, but determined that those stations do not have a direct impact on the Goose Creek Village location. Since the Retail Site Analysis was published, the developers of the Belmont Greene Village Center decided not to pursue a gas station at that location. The Retail Site Analysis determined that the market could support a gas station in Goose Creek Village.

#### Impacts on adjacent residents

The proposed automobile service station and convenience store will sit approximately 9 feet higher than the grade of Belmont Ridge Road. The residential development on the other side of the road is at a lower elevation. At the public hearing, residents expressed concerns that light from the automobile service station would spill into their houses, especially parking lot lights and headlights of cars parked facing Belmont Ridge Road. In addition, there are some concerns regarding noise generated both by the proposed car wash and by the air/vacuum station.

In response to the concerns regarding the air/vacuum station, the applicant has moved the air/vacuum station to the northeastern corner of the property, where it will be behind the three-foot high wall that is now being proposed to screen the parking area. Both the car wash and the air/vacuum station will meet the Zoning Ordinance requirements for noise levels at the property's boundary. The two facilities will also be more than 200 feet away from the nearest residential property, behind a fence and with substantial landscaping, both of which will serve to mitigate some of the noise impacts.

The applicant has added a fence to the landscaping along Belmont Ridge Road that will be tall enough to screen the headlights of automobiles parking in the spaces that face the road. Lighting will be designed to be contained on the site and will meet the requirement that lighting not exceed a maximum illumination of 0.25 foot candles above background light measured at the property boundary (100 feet from the edge of the canopy). In addition, the applicant plans to install significant landscaping (enhanced Type 4 buffer) along Belmont Ridge Road, which should work to screen some of the light.

#### Belmont Ridge Road construction plans

The CTP calls for the portion of Belmont Ridge Road (Route 659) between Route 7 and a point just north of Route 772 to be a six-lane divided minor arterial within 120 feet of right of way and to include right and left turn lanes at all major intersections, a 60 mph design speed, and desirable median crossover spacing of 1,000 feet. Bicycle accommodations are also to be considered in the design and may require additional right-of-way. The proffers for ZMAP 2003-0008, Goose Creek Village North, will provide a four-lane section of Route 659 between the Greenway and Hay Road. The proffers also include a ten-foot trail along the property's frontage on Belmont Ridge Road. The construction plans show that a

two-lane section will be constructed on the western side of the road, on the Goose Creek Village side. Impacts to the landscaping on the eastern side of the road should be minimal during this phase, although it will likely be impacted when the road is widened to its ultimate six-lane configuration.

The proffers also include \$25,000 to be paid to the Belmont Ridge Homeowners Association and the Belmont Ridge II Homeowners Association (\$12,500 each) to be used for the sole purpose of installing landscaping along the east side of Belmont Ridge Road to complement the landscaping being installed by Goose Creek Village along the west side of Belmont Ridge Road. This landscaping is also intended to mitigate the impacts of widening the road.

#### Previous gas station applications

There is no record that any application was filed for an automobile service station along Belmont Ridge Road.

#### Safety and emergency procedures

The automobile service station will follow established operations procedures for emergency response. These procedures, as outlined in the applicant's response letter dated October 31, 2008, cover the following topics: loitering, vapors, spills, and tank ruptures. In addition, the site will be designed to retain spills onsite in order to prevent oil and gas from contaminating the groundwater supply.

#### **Outstanding Issues**

When the staff report was published, staff expressed concerns about the site layout and recommended that the applicant redesign the site to reposition the building and the gas pumps. The applicant has since submitted a revised special exception plat that shows landscaping in the island in front of the gas pumps, and has significantly improved the pedestrian connections both internal to the site and to the rest of the retail center.

There are no outstanding issues.

#### **Recommendation**

Staff recommends approval of this application based on the Findings for Approval and the Conditions of Approval dated November 4, 2008.

#### **Motions**

1. I move that the Planning Commission forward SPEG 2008-0003, Goose Creek Village North Schmitz Gas Station, to the Board of Supervisors with a recommendation of approval subject to the Findings and Conditions of Approval dated November 4, 2008.
2. I move that the Planning Commission forward SPEG 2008-0003, Goose Creek Village North Schmitz Gas Station to the Committee of the Whole for further discussion.

OR

3. I move an alternate motion.

**Attachments**

1. Findings and Conditions of Approval dated November 4, 2008.
2. Applicant response letter dated October 31, 2008.
3. HOA proffer from ZMAP 2003-0008, Goose Creek Village
4. Illustrative and Section drawing dated November 3, 2008
5. SPEX plat dated October 31, 2008

**SPEX 2008-0003**  
**Goose Creek Village North Schmitz Gas**  
**Findings and Draft Conditions of Approval**  
**November 4, 2008**

**FINDINGS**

1. The automobile service station, as conditioned, is compatible with the policies of the Revised General Plan.
2. The proposed automobile service station and car wash are appropriate uses on the subject property as they are Service Area-Based Retail uses located within the retail component of a larger Business Community.
3. Adequate facilities have been provided to protect the groundwater from oil/gasoline contamination.
4. As conditioned, the automobile service station complies with the requirements of the Revised 1993 Zoning Ordinance.

**CONDITIONS OF APPROVAL**

1. Substantial Conformance. This special exception is for an automobile service station. The property shall be developed in substantial conformance with the Special Exception Plat entitled "The Gas Station at Goose Creek Village North Retail Center," prepared by Urban, Ltd, dated November 11, 2007 and revised through September 10, 2008. The Approval of this application does not relieve the Applicant of complying with applicable provisions of any Zoning Ordinance, Codified Ordinance, or any other requirement.
2. Building Design. The materials, design and appearance of the proposed automobile service station and convenience store shall be in substantial conformance with the building illustrative prepared by Mulvanny G2 Architecture dated March 28, 2008 and revised through September 10, 2008. Minor adjustments shall be permitted in conjunction with the building plan review process to address final engineering and/or code compliance considerations.
3. Landscaping. The applicant shall provide landscaping as shown on sheet 6A of the Special Exception Plat. Planting materials will consist of native plant species and will be maintained in good health. Dead or diseased plant materials will be replaced in consultation with the County's Urban Forester.
4. Lighting. All lighting on the site shall comply with the requirements of the Revised 1993 Zoning Ordinance. In addition, the lighting will be designed

in such a manner as to minimize the impacts on the nearby residential uses. In the event that the business is not open 24 hours a day, lighting on the site shall be turned off one hour past the close of business and may be turned on one hour prior to opening. In addition, the following conditions shall apply:

- A. Any wall-mounted lights shall be shielded to permit only downward light. No pinpoint glare shall be permitted from any lights. Pinpoint glare is defined as glare created when the actual light source (i.e., bulb) is visible from adjacent public roadways or property lines.
  - B. The gas station canopy lighting shall be recessed into the ceiling of the canopy. This lighting shall be installed in a manner that does not allow drivers and passengers in cars passing the canopy on adjacent public roadways to see pinpoint glare, as defined in condition 1, above. The lighting installed in the canopy shall not exceed 40 foot candles.
  - C. Parking lot and other site lighting fixtures shall be at a 90-degree angle.
  - D. Parking lot lights shall not exceed a maximum of 20 feet in height including any concrete bases.
  - E. Site lighting shall be designed and constructed with cut-off and fully shielded lighting fixtures so that the light will be directed inward and downward toward the interior of the property and away from adjacent properties.
  - F. All on-site lighting shall be white light.
5. Emergency spills. The applicant shall provide an oil-water separator or approved equal along with a gate valve to contain spills on site.
6. Dumpster Enclosure. The dumpster enclosure shall be constructed of materials similar in type to the materials used for the automobile service station.



**WALSH COLUCCI  
LUBELEY EMRICH  
& WALSH PC**

Christine Gleckner, AICP  
Land Use Planner  
(571) 209-5776  
cgleckner@ldn.thelandlawyers.com

October 31, 2008

**Via Hand Delivery**

Sophia S. Fisher, Planner  
Loudoun County Department of Planning  
1 Harrison Street, SE, Third Floor  
Leesburg, VA 20177-7000

Re: SPEX 2008-0002, Schmitz/Goose Creek Village North Gas Station Special  
Exception

Dear Sophia:

I am providing the following responses to comments and questions from the October 16, 2008 Planning Commission public hearing on behalf of Eric Schmitz, applicant for the Goose Creek Village North Gas Station Special Exception application.

**1. Canopy Lighting**

The gas station canopy lighting will be recessed into the ceiling of the canopy. Staff has provided the applicant with approved lighting conditions from another special exception application that the applicant agrees to. The proposed conditions are attached to this letter. Furthermore, the gas station canopy is set back from the property line 100 feet, and with the 120-foot right-of-way for Belmont Ridge Road and the 50-foot HOA open space area, the canopy is set back a total of 270 feet from the nearest residential property boundary located across Belmont Ridge Road, for which the distance further mitigates any impact of lighting from the canopy. In addition, the Zoning Ordinance requires a maximum illumination of 0.25 foot candles above background light measured at the property boundary (100 feet from the edge of the canopy). The required landscape buffer along Belmont Ridge Road also will mitigate impacts of the canopy lighting. No translucent or clear bands or tubing outlining the exterior of the canopy will be used.

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1 E. MARKET STREET, THIRD FLOOR ■ LEESBURG, VA 20176-3014

**ARLINGTON OFFICE 703 528 4700 ■ PRINCE WILLIAM OFFICE 703 680 4664**

**ATTORNEYS AT LAW**

**2. Headlight Glare**

The applicant is proposing a three-foot high opaque fence along the parking spaces facing Belmont Ridge Road within the special exception area as shown on the revised special exception plat to screen any car headlights using the parking spaces facing Belmont Ridge Road.

**3. Air Pump and Vacuum Stations**

The location for these facilities has been moved to the parking spaces in the northeast corner of the property to minimize traffic conflicts for vehicles using these facilities. They will be visually screened by the proposed fence along the parking spaces facing Belmont Ridge Road. They will comply with the noise standards set forth in the Zoning Ordinance of 60 dBA for a continuous noise source and 70 dBA for an impact noise source at the property boundary, which is approximately 30 feet from these facilities. With the 120-foot right-of-way for Belmont Ridge Road and the 50-foot HOA open space area, these facilities are set back a total of 200 feet from the nearest residential property boundary located across Belmont Ridge Road, for which the distance further mitigates any impact of noise from these facilities. The required landscape buffer and proposed along Belmont Ridge Road also will mitigate any noise impacts from these facilities.

**4. Car Wash**

The car wash is set back 120 feet from the property line. With the 120-foot right-of-way for Belmont Ridge Road and the 50-foot HOA open space area, the car wash is set back a total of 290 feet from the nearest residential property boundary located across Belmont Ridge Road, for which the distance further mitigates any impact of noise from this facility. The required landscape buffer and proposed fence along Belmont Ridge Road also will mitigate noise impacts. Furthermore, the car wash is required to comply with the noise standards set forth in the Zoning Ordinance of 60 dBA for a continuous noise source and 70 dBA for an impact noise source at the property boundary, which is approximately 120 feet from the car wash. The car wash uses re-circulated water.

**5. Gas Station Canopy**

The applicant discussed the comments regarding the design of the gas station canopy from the public hearing. The architect has designed the canopy to high standards and is not aware of alternative designs that would look and function better than the proposed design. The architect is happy to discuss the merits of the canopy design with any members of the Planning Commission.

**6. Safety and Emergency Procedures**

- A. Loitering: In order to discourage loitering on the premises, the applicant will post "No Loitering" signs on the premises and install exterior security cameras to enable staff to monitor the premises.



- B. Vapors: The applicant uses nozzles which incorporate a vapor recovery system to mitigate any air pollution generated by the fueling stations.
- C. Spills: If any spills result from consumers fueling their vehicles, staff applies absorbent material to the spill (similar to kitty litter), which is swept into and stored in sealed drums. The material with the absorbed gasoline then is stored in the drums and later disposed of according to hazardous material disposal procedures by companies contracted to perform this work. For larger spills, absorbent booms are placed around the perimeter of the spill to contain it during the clean-up procedures. For spills large enough to present the possibility of draining off-site, the oil/water separator shown on Sheet 2A of the special exception plat will contain the spilled fuel on site and in the pipes and manhole structures until clean-up occurs. In the event of a spill of this magnitude, a professional "hazmat" team is called in to perform the clean-up and dispose of the waste.
- D. Tank Ruptures: The tanks placed underground have a double-wall design. The applicant also will install a continuous leak detection monitoring system to provide for automatic leak detection and tank shutdown. Again, a professional "hazmat" team is called in to perform the clean-up and waste disposal should an underground leak occur.

#### **7. Landscaping Along Internal Entrance Driveway**

The revised special exception specifies the number and type of plant materials to be used in the island along the parking bay along the internal driveway. Understory trees have been provided to the extent possible in response to Planning Commission comments.

#### **8. Number of Service Stations**

Several of the speakers at the public hearing mentioned the number of gas stations already existing in the Ashburn area. The applicant performed a market study prior to filing the special exception application, which was submitted to staff as part of the application review. The study determined that there would be a market for this station at the proposed location. The station will serve the residents, employees and customers of Goose Creek Village, as well as vehicles passing by on Belmont Ridge Road, a major north-south thoroughfare. Goose Creek Village also is located near to an interchange of the Greenway.

#### **9. Traffic Circulation and Roadway Improvements**

The ability of the road network was examined in depth as part of the Goose Creek Village rezoning application. The proposed service station is a small component of a large mixed-use community containing up to 1,000,000 square feet of office use, nearly 200,000 square feet of retail use, and 402 dwelling units. As a result of the traffic generated by this level of development, the rezoning proffered several road improvements in the vicinity of Goose Creek Village. The County and VDOT had planned Belmont Ridge Road as a six-lane roadway with an interim four-lane roadway condition (with the outer two lanes in each direction to be constructed first) before the Goose Creek Village project was zoned. Goose Creek Village proffered to construct the four lane improvement from the Greenway tapering down to two lanes

October 31, 2008

Page 4 of 4

north of the project in accordance with these plans. Upgrading the signalization at the intersection of Belmont Ridge Road and Ashburn Farm Parkway/Sycolin Road and installing the signal at the Belmont Ridge Road and Hay Road intersection also were proffered. In addition, improvements to Sycolin Road were proffered. Since the traffic using the proposed service station is largely being generated by the residents, employees and customers of Goose Creek Village and by traffic already using Belmont Ridge Road and Sycolin Road, the proffered road improvements are sufficient to handle the gas station traffic. Although the Belmont Ridge residents may be affected by the Belmont Ridge Road improvements, those improvements are occurring independently of the gas station.

## **10. Conclusion**

The purpose of a special exception application is to ensure that the impacts of the proposed use are mitigated and that the proposed use is compatible with the surrounding uses. Certainly an automobile service station is an important component of a major mixed-use community such as Goose Creek Village, which will enable the residents, employees and customers of this community to purchase gas within the community. With the measures already proffered by Goose Creek Village and the additional measures proposed specific for the gas station use, the impacts created by the special exception use have been adequately addressed.

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH, P.C.

Christine Gleckner, AICP  
Land Use Planner

ATTACHMENTS: Proposed lighting conditions

cc: Eric Schmitz  
Allan McKelvie, Goose Creek Retail  
Michael Keith, Urban Engineering

**Goose Creek Village  
Zoning Map Amendment Petition 2003-0008**

**PROFFER STATEMENT**

June 3, 2005

**\*Excerpted\***

**IX. MISCELLANEOUS**

32. **Belmont Ridge Homeowners Associations Landscaping Contributions.** The Applicant shall make a contribution to both of the Belmont Ridge Homeowners Associations in the amount of \$12,500 each to the Belmont Ridge Homeowners Association and the Belmont Ridge II Homeowners Association, respectively, with the stipulation that the funds may be used for the sole purpose of installing landscaping on HOA owned property along the east side of Belmont Ridge Road to complement the landscaping being installed by the Applicant along the west side of Belmont Ridge Road. These contributions, along with copies of the approved landscape plan, shall be provided to the respective HOA's within thirty (30) days of the County approval of the Applicant's landscape plan for the landscaping along the western side of Belmont Ridge Road. The Applicant also shall provide the County a written copy of the transmittal to the respective HOA's for the contribution and the approved landscape plan for the landscaping along the western side of Belmont Ridge Road. These contributions shall escalate on an annual basis, based on the Consumer Price Index as published by the Bureau of Labor Statistics, U.S. Department of Labor, for the Washington-Baltimore, MD-VA-DC-WV Consolidated Metropolitan Statistical Area (CPI), calculated from a base year of January 2005.